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LESTER L. LEVY *(Admitted Pro Hac Vice)*
MICHELE FRIED RAPHAEL *(Admitted Pro Hac Vice)*
WOLF POPPER LLP
845 Third Avenue
New York, NY 10022
Telephone: (212) 759-4600
Facsimile: (212) 486-2093
E-Mail: llevy@wolfpopper.com
E-Mail: mraphael@wolfpopper.com

MARC M. SELTZER (54534)
SUSMAN GODFREY L.L.P.
1901 Avenue of the Stars, Suite 950
Los Angeles, CA 90067-6029
Telephone: (310) 789-3100
Facsimile: (310) 789-3150
E-Mail: mseltzer@susmangodfrey.com

Attorneys for Plaintiffs
(See Signature Page for Additional Plaintiffs' Counsel)

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

**SAN JOSE DIVISION**

| | |
|---|---|
| CLRB HANSON INDUSTRIES, LLC d/b/a INDUSTRIAL PRINTING, and HOWARD STERN, on behalf of themselves and all others similarly situated,<br><br>Plaintiffs,<br><br>v.<br><br>GOOGLE, INC.,<br>Defendant. | Case No. C 05-03649 JW PVT<br><br>Hon. James W. Ware<br><br>**PLAINTIFFS' NOTICE OF MOTION AND ADMINMISTRATIVE MOTION UNDER LOCAL RULE 79-5(d) FOR LEAVE TO FILE UNDER SEAL PORTIONS OF DOCUMENTS DUE TO CONFIDENTIAL DESIGNATIONS BY DEFENDANT GOOGLE, INC.**<br><br>**Civ. L.R. 79-5(d)**<br>**Courtroom: 8**<br>**Judge: Hon. James W. Ware** |

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PLEASE TAKE NOTICE that Plaintiffs CLRB Hanson Industries, LLC d/b/a Industrial Printing and Howard Stern respectfully submit this administrative motion pursuant to Civil Local Rule 79-5(d) to place under seal portions of Plaintiffs' Opposition to Google's Motion for Partial Summary Judgment ("Plaintiffs' Opposition") and Exhibit 1 to the supporting Declaration of Rachel S. Black dated November 7, 2007 ("Black Declaration"). The highlighted/redacted statements within Plaintiffs' Opposition refer to and/or quote portions of the Declaration of Adam Samet filed in support of Google's Motion for Summary Judgment, which Google considers to be confidential, proprietary or trade secret information. *See* 9/5/08 Declaration of David T. Biderman (Docket Item No. 235). The highlighted/redacted portions of Plaintiffs' Opposition also refer to and/or quote Mr. Samet's October 13, 2008 deposition testimony, which Defendant Google, Inc., has designated "Confidential - Trade Secret Attorneys' Eyes Only" pursuant to the Stipulated Protective Order filed on March 2, 2007 and executed by this Court (with amendments) on May 15, 2007. Exhibit 1 to the Black Declaration attaches portions of the transcript.

Accordingly, pursuant to Local Rule 79-5, Plaintiffs are filing the instant motion. Please note that under Local Rule 79-5(d), within five days of this filing Defendant must file with the Court and serve a declaration establishing that the designated information is sealable, and must lodge and serve a narrowly tailored proposed sealing order, or must withdraw the designation of confidentiality. If Defendant does not file its responsive declaration as required by Rule 79-5(d), the filings referenced above will be made part of the public record.

Dated: November 10, 2008

LESTER L. LEVY *(Admitted Pro Hac Vice)*
MICHELE FRIED RAPHAEL *(Admitted Pro Hac Vice)*
WOLF POPPER LLP
845 Third Avenue
New York, NY 10022
Telephone: (212) 759-4600
Facsimile: (212) 486-2093

E-Mail: llevy@wolfpopper.com

MARC M. SELTZER (54534)
SUSMAN GODFREY L.L.P.
1901 Avenue of the Stars, Suite 950
Los Angeles, CA 90067-6029
Telephone: (310) 789-3100
Facsimile: (310) 789-3150
E-Mail: mseltzer@susmangodfrey.com

STEPHEN D. SUSMAN (*Admitted Pro Hac Vice)*
SUSMAN GODFREY L.L.P.
654 Madison Avenue, 5th Floor
New York, NY 10065
Telephone: (212) 336-8330
Facsimile: (212) 336-8340
E-Mail: ssusman@susmangodfrey.com

RACHEL S. BLACK *(Admitted Pro Hac Vice)*
DANIEL J. SHIH *(Admitted Pro Hac Vice)*
SUSMAN GODFREY L.L.P.
1201 Third Avenue, Suite 3800
Seattle, WA 98101-3000
Telephone: (206) 516-3880
Facsimile: (206) 516-3883
E-Mail: rblack@susmangodfrey.com
E-Mail: dshih@susmangodfrey.com

WILLIAM M. AUDET (117456)
AUDET & PARTNERS, LLP
221 Main Street, Suite 1460
San Francisco, CA 94105-1938
Telephone: (415) 568-2555
Facsimile: (415) 568-2556
E-Mail: waudet@audetlaw.com

By s/Rachel S. Black
Rachel S. Black
Attorneys for Plaintiffs

## CERTIFICATE OF SERVICE

I hereby certify that on the date written above, that I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system. The Court or the CM/ECF system will send notification of such filings to all CM/ECF participants.

I further certify that a true and correct copy of this document was sent via U.S. first-class mail, postage pre-paid to all non-CM/ECF participants.

s/ Rachel S. Black